

ERIN KEENA,

Plaintiffs,

V.

GROUPON, INC.,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion to Defer Filing a Response to Defendant's Motion to Dismiss. For the following reasons, Plaintiff's Motion is granted.

Plaintiff filed her Complaint in this matter on October 29, 2015 (Doc. No. 1), and her first Amended Complaint on March 11, 2016. (Doc. No. 14) On April 8, Defendant filed a Motion to Compel Arbitration or in the Alternative, to Dismiss Pursuant to Rule 12(b)(6). (Doc. No. 21) Plaintiff sought an extension of time to respond (Doc. No. 24), and on April 29 filed a Motion to Defer Consideration of Defendant's Motion to Dismiss (Doc. No. 25). Defendant filed a Response in Opposition. (Doc. No. 27) Most recently, Plaintiff has filed a Motion to Defer filing a Response to the Motion to Dismiss until the Court issues an order on the Motion to Compel and Motion to Defer Consideration of the Motion to Dismiss (Doc. No. 28). Defendant agrees that the Motion to Compel should be considered first.

It appears to the Court that there are two threshold issues of whether this case ought to be arbitrated and whether Defendant's Motion to Dismiss contains factual matters inappropriate at this stage in the proceedings, and that to require further briefing on Defendant's Motion to Dismiss could be inefficient at this time.

IT IS THEREFORE ORDERED that Plaintiff file a Response to Defendant's Motion to Compel no later than May 9 and Defendant file its Reply by May 31, in accordance with the Court's May 24 Order (Doc. No. 24). With regard to the Motion to Defer Consideration, Plaintiff's Reply will remain due on May 16.

Plaintiff is not required to respond to Defendant's Motion to Dismiss. When the Court issues an Order on the Motion to Compel Arbitration and Motion to Defer Consideration of Defendant's Motion to Dismiss, a new briefing schedule will be issued on the Motion to Dismiss if necessary.

SO ORDERED.

Signed: May 9, 2016

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

